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WinStar Communications, Inc.
230 Park Avenue, 31st Floor
New York, New York 10169
Telephone: 212/687-7577

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October 24, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

VIA HAND DELIVERY

William F. Caton, Acting Secretary
Office of Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

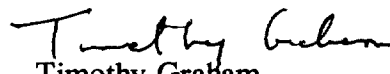
Re: Membership on the North American Numbering Council (CC Docket No. 92-237)

Dear Mr. Caton:

Enclosed for filing in CC Docket No. 92-237 are an original and four (4) copies of the Application of WinStar Communications, Inc. for membership on the North American Numbering Council.

If you have any questions, please do not hesitate to telephone me at 212/687-7577.

Very truly yours,


Timothy Graham
Executive Vice President
and General Counsel

Enclosures

cc: Mr. Mike Specht
Mr. Scott Shiffermon
Ms. Elizabeth Nightengale

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Administration of the) CC Docket No. 92-237
North American Numbering Plan)

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**APPLICATION OF WINSTAR COMMUNICATIONS, INC.
FOR MEMBERSHIP ON THE
NORTH AMERICAN NUMBERING COUNCIL**

WinStar Communications, Inc. ("WinStar"), by its undersigned counsel, hereby submits its application and nomination for membership to the North American Numbering Council ("NANC" or "Council") in accordance with the FCC Public Notice, DA 95-1721, released August 9, 1995.¹ In its Public Notice, the Commission discussed the procedures for obtaining membership on the Council. The Commission also emphasized in the Public Notice the importance of establishing a membership that represents "every sector of the telecommunications industry" and "reflects a proper balance and mix of interests." For the reasons discussed below, WinStar submits that it qualifies for membership, and that it would bring to the NANC the unique perspective of a wireless competitive access telecommunications provider which will offer competitive access and local telecommunications services via the 38 GHz radio spectrum.

¹The NANC was established as part of a new model for administering the North American Numbering Plan. See *Administration of the North America Numbering Plan*, CC Docket No. 92-347, FCC 95-283 (rel. July 13, 1995) ("*Report & Order*"). Applications for membership in the NANC were due on September 14, 1995. WinStar did not become aware of the nomination process until after that date, and requests that the Commission consider its application on a late-filed basis. As the decision for membership on the NANC has not yet been made, and as there is no provision to reply to the nominations, WinStar respectfully submits that no other party's interest is harmed by the Commission's consideration of this application. As discussed below, WinStar believes that appointment of a WinStar representative is in the public interest because of WinStar's innovative wireless local services.

I. WINSTAR'S MEMBERSHIP WOULD ADD A UNIQUE PERSPECTIVE TO THE COUNCIL.

WinStar, through its operating subsidiaries, specializes in the development and provision of telecommunications services throughout the United States. WinStar has been licensed by the Commission to provide radio microwave services in the 38.6-40.0 GHz radio band on an interstate basis.² WinStar is in the process of constructing microwave networks for high-capacity interstate service in 40 of the top 45 metropolitan statistical areas ("MSA"). WinStar subsidiaries have also obtained or are in the process of obtaining the requisite authority to provide intrastate high-capacity microwave services in the states in which WinStar will offer interstate service.³ In addition to the competitive access services described above, WinStar is in the process of obtaining authority to provide competitive local exchange service via its unique wireless loop facilities in a number of states. As such, the rights, interests and competitive position of WinStar and its subsidiaries will be directly affected by the administration of the North American numbering plan.⁴ The availability of numbers on a fair, consistent and timely basis will be essential to WinStar's goal of providing a wireless telecommunications alternative to existing wireline local telecommunications services. In addition,

²The 38.6-40.0 GHz radio band is a portion of the "millimeter wave" frequency band. The term millimeter wave frequency band is taken from the fact that the wavelength of radio signals on frequencies between 30 GHz and 300 GHz ranges between 1 and 10 millimeters. The millimeter wave region of the spectrum is a major resource that is largely undeveloped and underutilized today. See *Amendment of Parts 2 and 15 of the Commission's Rules to Permit Use of Radio Frequencies Above 40 GHz for New Radio Applications*, Federal Communications Commission, ET Docket No. 94-124, RM 8308, Notice of Proposed Rulemaking at ¶ 7 (rel. Nov. 8, 1994) ("*Radio NPRM*")

³WinStar subsidiaries are certificated to provide intrastate telecommunications services in approximately 16 states; applications are pending in an additional 11 states. Upon grant of these applications, with the exception of carriers providing simple long distance service (whose interests will no doubt be well represented on the NANC), WinStar will have among the broadcast grants of regulatory authority of any carrier in the United States.

⁴WinStar's affiliate, WinStar Gateway Network is certified (or otherwise authorized to provide) long distance service in approximately 45 states.

WinStar is a proponent of pro-competitive telecommunications policy and, as such, seeks to obtain membership on the North American Numbering Council to ensure that numbering administration is implemented in a fair, equitable and pro-competitive manner.

WinStar's microwave network involves an innovative use of the 38.6-40.0 GHz radio band to carry high-speed digital traffic, including voice, data, and video transmission. The high frequency microwave technology employed in WinStar's network offers equivalent capabilities of a fiber optic network, but with several distinct advantages. Unlike metropolitan fiber optic networks being employed by a number of carriers nationwide, WinStar's microwave networks enable WinStar to provide service without resort to underground cable and conduits. The Commission has licensed WinStar to use four frequency pairs in the 38.6-40.0 GHz band in each service area in which WinStar will initially provide service. These frequency pairs have enabled WinStar to design a high-speed microwave network that will employ a conservative design to avoid service disruption and, therefore, ensure cost-effective, reliable service. As a new entrant utilizing the 38 GHz spectrum to provide fixed (as opposed to mobile) telecommunications services to large and small business and residential users,, WinStar offers the unique and important perspective of a wireless competitive access and local exchange provider on North American Numbering Plan administration. WinStar's experience in providing its wireless microwave services will allow it to assist the Council in the unique issues that arise from wireless technologies and nascent telecommunications entrants.

As the Commission recognized in the *Report and Order* in this proceeding, although the NADP historically has been administered by monopoly wireline telephone providers, "increasing competition from new entrants into the telecommunications market have made continuation of that form of administration untenable." *Report and Order* at ¶ 3. As a wireless microwave telecommunications carrier, WinStar brings a unique competitive and practical perspective on the impact of the

Commission's numbering decisions on new entrants. Moreover, given the imbalance that currently exists between entrenched, incumbent local exchange providers and the competitive new entrants in terms of revenue, market share, and assets, WinStar's presence on the Council will assist the Commission in its goal of creating a competitively neutral council. In addition, WinStar is committed to actively participate in good faith in the objectives of the Council.

II. WINSTAR'S NOMINATION FOR COUNCIL MEMBERSHIP

WinStar nominates David W. Ackerman for Council membership. Mr. Ackerman is the Executive Vice President of WinStar Communications, Inc.'s Telecommunications Group. Mr. Ackerman is highly qualified to represent the interests of WinStar and its subsidiaries and brings with him over 21 years of telecommunications experience, much of which involves the development and construction of wireless telecommunications networks. More specifically, Mr. Ackerman was instrumental in the early days of the cellular industry in establishing standards for numbering, interconnection, and intercompany billing. He has held management and executive positions with local exchange telephone companies (both BOC and Independent), long distance companies, and mobile wireless companies. Thus, he personally brings an extensive background in a number of the industries relevant to the NANC. Mr. Ackerman holds B.S. and M.B.E degrees from Cornell University, has held engineering positions in Bell Operating Companies, and thus has a strong technical grasp of the

considerations associated with change that might be made in the North American Numbering Plan. Mr. Ackerman's qualifications (prior to his appointment as Executive Vice President of WinStar) are detailed in Attachment A. Mr. Ackerman may be contacted as follows:

Mr. David W. Ackerman
Executive Vice President
WinStar Communications, Inc.
7799 Leesburg Pike, Suite 401
McLean, Virginia 22043
Phone: (703) 761-0110
Fax: (703) 917-6557

CONCLUSION

For the foregoing reasons, WinStar respectfully requests that it be granted membership on the NANC through its Executive Vice President, David W. Ackerman.

Respectfully submitted,

By Timothy Graham
Timothy Graham
Executive Vice President and General Counsel
WinStar Wireless, Inc.
230 Park Avenue, 31st Floor
New York, New York 10169
(212) 687-7577

October 24, 1995

ATTACHMENT A
QUALIFICATIONS OF MR. ACKERMAN

DAVID W. ACKERMAN,

3730 W Street, N.W.
Washington, DC 20007

(202) 625-1610 (Home)
(202) 336-5305 (Work)

EDUCATION:

B.S. Electrical Engineering, Cornell University
M.E.E. Semi Conductor Devices, Cornell University
University of Rochester Graduate School of Management

PROFESSIONAL CREDENTIALS & ORGANIZATIONS:

Licensed Professional Engineer
Institute of Electrical and Electronic Engineers
Cornell Society of Engineers

STRENGTHS:

Effective management and leadership of technically oriented businesses.
Conceptual and analytical skills including Business Planning and Development.
Financial Planning and Marketing Management. Experience in start-up and high-growth environments.

EXPERIENCE:

Business Planning, Development, Finance and Marketing

- Mobile Telecommunication Technologies (MTTEL): Senior Vice President - Corporate Strategy and Business Development
 - New Business Identification and Development
 - Strategic Plan
 - Mergers, Acquisitions and Joint Ventures
- MCI Communications: Director - New Business Development, Corporate Development
 - Merger and Acquisition Targeting
 - Strategic Plan
 - Identification and Development of New Business
- MCI Telecommunications: Director - Product and Systems Planning
 - Product and Systems (Network and MIS) Planning for all aspects of MCI's business (\$7 Billion in Annual Revenue; \$5 Billion Capital Responsibility)
- MCI Telecommunications: Director - Network Systems and Product Planning and National Accounts Engineering
 - Developed specifications and deployment plans for all new MCI Network Systems and Products, and Engineering support for all National Account Customer RFP preparation. Products include Vnet, 800, Network Management, Network Design and Billing Systems.

DAVID W. ACKERMAN

- MCI Airsignal: Vice President - Planning

- Developed business and market plans for paging and cellular mobile radio products; introduced first lease purchase option for pagers in the industry.
- Financial analysis for new products, markets and acquisitions.

- Rochester Telephone Corporation: Director of Planning

- New business planning and development; regulated and non-regulated businesses. Developed plan for CPE that became model for Independent Telco industry. Introduced Telco acquisition program, business plan for entry into niche long distance and consulting businesses.

- GTE Service Corporation: Senior Staff Planner

- Strategic business planning for GTE Telco inter-city services and facilities. Developed business plan for Telemessenger and competitive long distance businesses, as well as the next generation switching systems and strategic network products.

- New York Telephone: Manager - Planning and Development

- Engineered and developed Operational Support Systems to improve customer service and reduce operating costs; 25% reduction in network operating costs over 2 1/2 years.

Product Development

- T-bar Incorporated (Data Communications Products): Manager - Advanced Engineering and Product Planning

- Established Research and Development organization and specified the matrix switch which accounts for over 40% of company's current sales.

Engineering and Project Management

- MCI Airsignal: Vice President - Engineering and Construction

- Engineering and Project Management for paging and cellular mobile radio systems construction; \$25M annual budget. Fastest construction of least costly cellular system to date.

- MCI Telecommunications: Director - Operations Engineering, Mid-Atlantic Division

- Operations and marketing support for \$600M company; working closely with Marketing, proposed, designed and implemented unique networks for specific MCI customer; now \$150M annual revenue product.

- MCI Telecommunications: Director - Control Systems Engineering

- Planning, engineering and implementation of Customer and Operational Support Systems; developed and implemented Billing Support System that improved billing on-time percent from 80% to 98.5%.

DAVID W. ACKERMAN

Companion Document to Resumé

Accomplishments:

New York Telephone:

1. Engineered first "simulated facilities" WATS service in the Bell System.
2. Engineering representative on AT&T Task Force; improved Bell System call completion percentage by 3.5% in six months.
3. Established and managed well publicized "block rehabilitation program" in Harlem. Convinced City of New York to join program wherein the city cleaned up the block simultaneous with telephone plant replacement. Significantly improved telephone service and quality of life.
4. Conceived of, designed and developed the first operational support system in the telephone industry to improve quality of outside plant.
5. Improved Outside Plant productivity in Harlem by 40% in 14 months.
6. Assigned responsibility for, and supervised the restoration of the central office cable vault after destruction in the "Second Avenue CO Fire".

T-Bar:

1. Designed and developed a data-comm test system that had the best price/performance in the industry.
2. Conceived of the data-comm switching and control system that became the company's product sales leader for five consecutive years.

GTE:

1. Authored the Business Plans for:

GTE Sprint
GTE Telemessenger

Rochester Telephone:

1. Conceived of and developed the Telco acquisition program currently being successfully pursued (now that the NY PSC has permitted RTC to form a holding company).

MCI:

1. Conceived of a new concept in pager marketing that has become the industry standard.
2. Engineered and constructed high quality paging systems in more than 20 markets throughout the U.S.

DAVID W. ACKERMAN

3. Engineered and constructed a high quality cellular system that was placed in operation sooner after license award and at a lower cost than any other system in the U.S.
4. Led industry task force that defeated (in 48 of 50 states) the RBOC's attempts to impose access charges on paging companies.
5. Established the standards for interconnection of cellular systems that are currently in use in the U.S.
6. Co-chaired industry task force (with Phil Quigley, Pres. Pactel) that established the standard for cellular billing that is currently in use in the U.S.
7. Established the process for, and supervised the deployment of 800 service throughout MCI.
8. Established standards and methods of operation for MCI Network Operations Centers.
9. Supervised the integration and automation of MCI's billing system that has established MCI as the premier billing service for IXCs; 99.9% on time and accurate (or better) for 12 consecutive quarters.
10. Supervised the implementation and/or deployment of the following MCI services; Operator Service, International Service, Advanced 800 Service, Virtual Network Service, Integrated Network Management Services, etc.
11. Planned, engineered and designed MCI's total network and systems architecture that is currently in place and/or being deployed.
12. Designed and implemented MCI's unique 800 Service offering for the Social Security System that is currently in use today (not available from any other carrier).
13. Planned and engineered the MCI VISA - phone service whereby a VISA card number can be used as an MCI Calling Card number.
14. Designed and engineered MCI's network management system currently operational (phase 1) and under development (phase 2).
15. Designed, engineered and implemented MCI's FAX service.
16. Designed and engineered MCI's international virtual network service.

Mtel:

1. Managed FCC "process" and associated engineering, field testing and market research to obtain "pioneer's preference" for new two-way wireless data communications service.
2. Identified, negotiated and implemented several key strategic business relationships for new service and product initiatives.
3. Designed and developed implementation program for an innovative services based focus for messaging services.

DAVID W. ACKERMAN

- **MCI Telecommunications: Director - Network Systems Implementation and Support**
 - **Project Management** for all additions to MCI's network, and new product deployment; implemented Vnet, 800, Omnicall and CCS#7 network.
- **New York Telephone:**
 - **Central Office Engineer**
 - **Supervising Engineer - Project Management**

General Management

- **MCI Airsignal: Vice President - Operations**
 - **Established and operated Cellular mobile and paging operations in more than 52 markets. Successfully managed high growth and profitable business from \$12M - \$36M (Revenue) in three years.**
- **New York Telephone: Manager - Outside Plant Operations**
 - **Managed 200-person force responsible for Northern Manhattan; established and managed precedent-setting block rehabilitation program that improved customer service, worker morale and company image.**

Miscellaneous

- **MCI Airsignal: Vice President - Administration**
 - **Managed MIS Department for \$35M (Revenue) company.**
 - **Managed Regulatory and Inter-carrier negotiations; established standards of interconnection for cellular and paging systems now in use nationally by all such companies.**
 - **Managed Purchasing and Distribution.**
- **New York Telephone: Supervisor - Methods Implementation**
- **Telocator Network of America, Cellular Telecommunications Industry Association**
 - **Member, Boards of Directors**

Military:

- **United States Navy, Submarine Officer**

Chronology:

1967 - 1971	U.S. Navy
1971 - 1978	New York Telephone
1978 - 1979	T-Bar, Inc.
1979 - 1981	GTE Service Corporation
1981 - 1982	Rochester Telephone
1982 - 1991	MCI
1991 - Present	Mobile Telecommunication Technologies (Mtel)